

4.010 Definition of terms and interpretation of language.

A. All words in this title shall be first defined as provided in this section and, if not defined herein, shall be defined as in the latest edition of *The Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom, and if not defined in *The Illustrated Book of Development Definitions*, shall have their customary dictionary definitions. For the purposes of this title certain words and terms used herein are defined as follows:

B. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is always mandatory, the word "person" includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual; the word "lot" includes the words "plot" or "parcel"; the word "building" includes the word "structure"; the words "used" or "occupied," as applied to any land or building, shall be construed to include the word "intended, arranged, or designed to be used or occupied"; the words "map" or "zoning map" mean the zoning map(s) of the zoning jurisdiction of the Gallatin County / Bozeman Area Zoning District that delineate the area to be governed by these regulations.

4.020 Access or accessway.

"Access or accessway" means the place, mean or way by which pedestrians and vehicles shall have adequate and useable ingress and egress to property or use as required by this title.

4.030 Accessory building or use.

"Accessory building or use" means a subordinate building, or portion of the principal building, located on the same lot as the principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of land. Where part of an accessory building is connected to part of the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building. Individual public utility installation aboveground are considered accessory buildings.

4.040 Administrative officer.

"Administrative officer" means the person designated by commission to be responsible for assuring compliance with this title.

4.050 Adult business.

"Adult business" means an establishment which advertises, trades, exchanges, transfers, sells, presents, shows, offers or exhibits materials, activities, reproductions, likenesses, services and/or objects defined as obscene by Section 45-8-201(2), MCA, Adult business as defined in this section shall include, but need not be limited to, adult bookstores, adult motion picture theaters, rap studios, massage parlors, exotic dance studios, nude art studios, nude photographic studios and nude body painting studios.

4.060 Agricultural activity.

"Agricultural activity" means the cultivation of the soil or the raising of livestock and all activities incidental thereto. The terms "farming" and "ranching" shall be interchangeable for purposes of this title. The term "agricultural activity" shall not include the raising of produce primarily intended for on-premises consumption.

4.070 Airfield, personal use.

"Personal use airfield" means any unsurfaced earth or turf area or facility of land which is privately owned and operated, and is designed, used or intended to be used for landing and taking off by private single-engine, fixed-wing aircraft, not exceeding two hundred horsepower, including not more than one support building for covered storage and small quantities of supplies. A personal use airfield as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner which is not directed toward business or commercial functions.

4.080 Airport.

"Airport" means a licensed facility where commercial, military and private aircraft may land or take off and where additional space is provided for repairs, services, storage facilities, and offices and buildings for administration and passenger convenience.

4.090 Alley.

"Alley" means a permanent public thoroughfare providing a secondary means of access to abutting lands.

4.100 Animal hospital.

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Outside pens, kennels or runs are not permitted as part of an animal hospital operation. The short-term interior boarding is permitted.

4.105 Antenna.

"Antenna" means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc).

4.110 Apartment.

"Apartment" means a room or suite of two or more rooms located in an apartment building or in nonresidential districts as specified in this title. Efficiency units shall qualify as an apartment under this definition.

4.120 Apartment building.

"Apartment building" means a building other than a hotel or motel containing five or more dwelling units.

4.130 Automobile reduction yard.

"Automobile reduction yard" means any area of land where two or more motor vehicles not in running condition and/or two or more unlicensed motor vehicles, or parts thereof are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking, dismantling, storage or abandonment of motor vehicles or parts thereof.

4.140 Auto salvage yard.

"Auto salvage yard" means a junkyard primarily containing inoperable vehicles. (See definition of junkyard, section 4.880.)

4.150 Automobile service station.

"Automobile service station" means an establishment with the primary business function of the retail sale of gasoline for passenger car use with or without minor service and repair work incidental to the operation of passenger automobiles.

4.160 Automobile washing establishment.

"Automobile washing establishment" means a building which has its primary purpose as washing automobiles. Such facilities shall be considered incidental to automobile service stations if not more than one auto may be washed at one time and if the service station is clearly the principal use.

4.170 Bar (Tavern, cocktail lounge).

"Bar (tavern, cocktail lounge)" means an establishment where alcoholic beverages are served on premises and where the total sales of alcohol exceeds the total sales of food.

4.180 Basement.

"Basement" means a portion of a building located partly underground but having not less than half its floor-to-ceiling height below the average grade of the adjoining ground.

4.190 Bed and breakfast home.

"Bed and breakfast home" means a single-family dwelling which remains owner-occupied at all times providing one or more guest rooms for compensation, and where food service is limited to breakfast which may be served to over-night guests only.

4.200 Board.

"Board" means the Gallatin County planning board, the appointed body responsible for making recommendations to the commission relative to this title and the zoning jurisdiction of the Gallatin County / Bozeman Area Zoning District.

4.210 Boardinghouse.

See lodginghouse, section 4.900.

4.220 Building.

"Building" means any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes, recreational vehicles and mobile offices.

4.230 Building area.

"Building area" means the maximum horizontal projected area of the principal and accessory building, excluding open steps, terraces, and architectural appurtenances projecting not more than two feet. Building area, as that portion of a lot upon which construction is permitted, is as follows: That area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line.

4.240 Building envelope.

"Building envelope" means that area of a lot lying between the front, rear, and side yard setback lines and between ground level and the maximum allowable building height, amounting to the three dimensional area available for potential building construction.

4.250 Building, front line of.

"Front line of building" means the line of the face of a building nearest the front lot line.

4.260 Building, height of.

"Height of building" means the vertical distance measured from grade as defined in this section to the highest point on the roof or parapet wall. Where a building utilizes multiple roof styles or pitches, the highest point of each type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district. Where the vertical difference between grade as defined in this section is greater than two feet between opposite elevations of the building, the height of the building may be increased by one foot for every one foot in grade difference up to a maximum of six additional feet.